IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE THIRTY FIRST DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 24946 of 2004

Between:

1 Kudala Venkata Rami Reddy S/o Pulla Reddy
R/o Cherlopalle Village, Owk Mandal, Kurnool District
2 Vadde Venkateswarlu S/o Ramanna
R/o Cherlopalle Village, Owk Mandal, Kurnool District
3 B. Surendranth Reddy S/o Late B. Satyanarayana Reddy
R/o Chennampalle Village Owk Mandal, Kurnool District
4 Vamsadara Suvrna Guptha S/o Late V. Rameswaram,
R/o Owk Village & Mandal, Kurnool District
5 Bellary Sudhakar, S/o Venkatramaiah
R/o Owk Village & Mandal, Kurnool District
6 Pasupula Jayalaxmamma W/o Subba Rayudu
R/o Owk Village & Mandal, Kurnool District

..... PETITIONERS

AND

1 Special Dy, Collector (LA) SRBC, Banaganapalle, Kurnool District
2 Special Collector (LA) Srisailam Project, Kurnool District

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of Mandamus or any other appropriate Writ or order or direction declaring the action of the respondents in proceeding to pass the award in respect of the petitioners lands situate in Sy. Nos. 348 350/1 & 350/2 of Cherlopalle Village, Owk Mandal, Kurnool District which are now acquired by the respondents by issuing form2-A notice published Ups A(1) of the L.A. Act in Eenadu Telugu Daily dt 1-12-2004 treating the same as cultivable lands with out proper inspection and enquiry as illegal and void and consequently direct the respondents to pass the award in respect of the said lands by treating the same as mining lands and fixing separate

value for structures present on the said lands after personally visiting the said lands and holding proper enquiry in this regard.

Counsel for the Petitioner: MR.B.D.MAHESWARA REDDY

Counsel for the Respondents: GP FOR LAND ACQUISITION

The Court made the following :

THE HONOURABLE SRI JUSTICE N.V.RAMANA

WRIT PETITION NO.24946 OF 2004

ORDER:

Heard the learned counsel for the petitioners and the learned Government Pleader for Land Acquisition and with their consent the writ petition is disposed of at the stage of admission.

The case of the petitioners is that they are possessing lands in survey Nos.348/1, 350/1 and 350/2 of Cherlopalle village, Owk Mandal of Kurnool District. While so, on 1.12.2004 the second respondent had issued a notification in Form-2A proposing to acquire lands situated in various survey numbers including the lands owned by the petitioners, for the purpose of constructing Owk Reservoir complex.

The grievance of the petitioners is that in the said notification, issued by the respondents in Form-2A it is stated in column No.5 that the lands in Sy.Nos.350/1 and 350/2 are cultivable lands and for land in Sy.No.348/1 nothing is mentioned. It is the case of the petitioners that the said lands are mining lands and the lands in sy.nos.350/1 and 350/2 are surrounded by a compound wall and there are 8 rooms, 2 sheds and a water tank constructed in the said land, but the said fact is not mentioned in the notification and declaration.

It is the further case of the petitioners that the market value for the mining lands is more when compared with agricultural lands. It is also submitted that the petitioners have submitted a representation to the second respondent on 9.12.2004 in this regard, but no action is forthcoming from the 2nd respondent and the respondents are going to pass the award without taking into consideration all these aspects.

It is premature to come to a conclusion that award is going to be passed without taking into consideration all the objections raised by the petitioners. Admittedly, the petitioners have submitted a representation dated 9.12.2004 to second respondent.

Having regard to the facts and circumstances of the case, I deem it appropriate to dispose of the writ petition directing the respondents to consider the objections raised by the petitioners at the time of passing the award in accordance with law.

With the above observation, the writ petition is disposed of. No costs.

31.12.2004.

mdaa

Copy to:

1 Special Dy, Collector (LA) SRBC, Banaganapalle, Kurnool District
2 Special Collector (LA) Srisailam Project, Kurnool District

3. Two C.Cs to G.P.for Land Acquisition, High Court of A.p., Hyderabad(OUT).

4. Two C.D.copies.